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£Bhutan
@Human Rights Violations against the
Nepali-speaking Population in the
South

1. INTRODUCTION

An Amnesty International delegation visited Bhutan for the first time in January 1992, at the invitation of King Jigme Singye Wangchuck. The delegation discussed Amnesty International's concerns at reports of human rights violations occurring in the context of opposition by Nepali-speaking southern Bhutanese to the government policy of national integration on the basis of *driglam namzha*, the northern Bhutanese traditions and culture, and the application of the 1985 Citizenship Act. Amnesty International had collected testimony of arbitrary arrests, ill-treatment and torture including rape, particularly in the period after demonstrations in September 1990. It had also received reports of attacks on civilians, some attributed by the government to *ngolops* or "anti-nationals", many of whom allegedly belong to the Bhutan People's Party (BPP), an opposition organization founded in India in June 1990. As the Royal Bhutan Police, assisted by members of the Royal Bhutan Army, stepped up its campaign to arrest "anti-nationals" after the demonstrations in September 1990, many Nepali-speaking southern Bhutanese fled the country and sought refuge in Nepal. Many of them alleged that they had been forced to leave Bhutan. As of the end of October 1992, the total number of refugees in five camps in eastern Nepal's Jhapa and Morang districts reportedly exceeded 70,000.

1.1 Amnesty International's visit to Bhutan

During the one-week visit, Amnesty International's three-member delegation had a private audience with the King and met ministers and officials to discuss human rights. The delegates also visited Samchi district in southern Bhutan. They had initially requested to visit Samchi or Chirang district but were informed that it was not possible to visit the latter for security reasons. The delegates interviewed three ex-prisoners of conscience, two political prisoners, several victims and relatives of victims of human rights violations as well as people affected by violence by the opposition groups operating in the south.

Earlier, in November 1991, two Amnesty International delegates had visited Nepal to interview Nepali-speaking southern Bhutanese people living in refugee camps at Maidhar and Timai in Jhapa district, eastern Nepal. At that time there were an estimated 5,000 refugees in the camps. During interviews many refugees said they had fled Bhutan to escape from torture and other human rights violations committed by the Royal Bhutanese Army and Police. Dozens of women alleged that they had been raped in the course of army operations or while in detention. Ex-prisoners among the refugees gave testimony of

beatings, ill-treatment, degrading punishment and, in some cases, torture. Many alleged that they were released on condition that they would leave Bhutan.

Before the January 1992 visit to Bhutan, Amnesty International submitted a Memorandum to the government based on the testimonies obtained from refugees in Nepal. Parts of that Memorandum as well as comments received from Bhutanese officials during and after the Amnesty International visit to Bhutan are included in this document. The proceedings of the recent session of Bhutan's National Assembly, held from 16 October to 3 November 1992, are also referred to.

2. BACKGROUND

Bhutan is a landlocked country, situated between the high Himalayan mountains and the Ganges plain, bordered to the south by the Indian states of Sikkim, West Bengal, Assam and Arunachal Pradesh and to the north by the Tibet Autonomous Region of the People's Republic of China. The population is made up of several ethnic groups. The western valleys are populated by *Ngalops* who are said to be of Tibetan origin. In the eastern region, the *Sarchops* are reportedly the most populous. The largest element in the population of southern Bhutan are the descendants, mostly Hindu, of Nepali settlers who came to work in the southern Duar valleys in the late 19th and early 20th centuries until such movement was banned by Bhutan in 1959. Today referred to as "southern Bhutanese", they live in the main in the following districts: Samchi, Dagana, Chirang, Sarbhang and Samdrup Jonkhar. Chirang and Dagana districts in particular have high percentages of Nepali-speaking southern Bhutanese.

The official language of Bhutan is *Dzongkha*, the language spoken by the *Ngalops*, and the state religion is *Mahayana Buddhism*. The *drukpa kargyupa* sect of *Mahayana Buddhism* is predominant among the people living in the north of Bhutan, including the *Ngalops* and *Sarchops*.

Bhutan is a monarchy. There is no written constitution. King Jigme Singye Wangchuck succeeded his father in 1972. The system of government is unusual in that power is shared by the monarchy (assisted by a Royal Advisory Council), the Council of Ministers, the National Assembly and the Head Abbot. The National Assembly, which serves a three-year term, currently has 151 members, including 100 elected by indirect vote, based on traditional village boundaries. There are said to be 15 Nepali-speaking southern Bhutanese among the members of the National Assembly. Decisions are reached by consensus.

The current situation in southern Bhutan should be placed in the context of a series of measures introduced by the government since 1958 to curb the influx of Nepali settlers and regularize citizenship and naturalization procedures for immigrants and their descendants,

and to encourage integration of the southern Bhutanese with what is often described as the national cultural identity and referred to by the term *driglam namzha*, that is, the traditions characteristic of and practised by the northern *drukpa* population.

In its September 1991 publication, *Anti-National Activities in Southern Bhutan. A Terrorist Movement*, the government's Department of Information explained official policy on the regularisation of citizenship and the promotion of national cultural identity as follows:

"...the Royal Government will never compromise when it comes to ensuring Bhutan's long-term security and integrity. The terrorist movement threatens the very sovereignty and integrity of Bhutan and its survival as a nation. Therefore, the policy on immigration and census and the Citizenship Act of 1985 will have to be implemented in full. Nor can the Royal Government afford to discontinue the policy of national integration and the concept of 'one nation and one people'. These policies are vital for ensuring Bhutan's long-term security and well-being as a united and cohesive nation. That is why the Royal Government considers it is so crucial for all citizens to look upon themselves as Bhutanese regardless of their race or religion, and why it is so important for all citizens to take pride in being fraternal members of one united Bhutanese family"

2.1. Government measures to regularize citizenship

Bhutan's first census, held in 1969, reportedly enumerated 931,514 inhabitants. The 1980 census reportedly counted a total population of 1,165,000 but the government later called it inaccurate. A new census apparently ordered in 1988 currently continues. There has been a lot of criticism of the way in which it was carried out in southern Bhutan, where many Nepali-speaking people were classified as non-nationals and subsequently forced to leave the country.

To date, no official figures are available about the percentage of population different ethnic groups constitute. Independent observers estimate that at least a third of the population consists of people of Nepali origin and that their percentage has been increasing over the last few decades. This trend apparently prompted the government to introduce a number of measures aimed at controlling this influx.

In a first attempt at regularizing citizenship the National Law of Bhutan in 1958 had put the following conditions on recognition as Bhutanese citizens:

3. Any person can become a Bhutanese national

- a) if his/her father is a Bhutanese National and is a resident of the Kingdom of Bhutan; or

b) if any person is born within or outside Bhutan after the commencement of this law provided the previous father is a Bhutanese National at the time of his/her birth.

4. (1) If any foreigner who has reached the age of majority and is otherwise eligible, presents a petition to an official appointed by His Majesty and takes an oath of loyalty according to the rules laid down by official, he may be enroled as a Bhutanese National, provided that:

a) The person is a resident of the Kingdom of Bhutan for more than ten years, and

b) Owns agricultural land within the Kingdom.

(2) If a woman, married to a Bhutanese National, submits a petition and takes the oath of loyalty as stated above to the satisfaction of the concerned official and that she has reached the age of majority and is otherwise eligible, her name may be enroled as a Bhutanese National.

5.(1) If any foreigner submits petition to His Majesty according to rules described in the above sections, and provided the person has reached the age of majority and is otherwise eligible, and has served satisfactorily in Government service for at least five years and has been residing in the Kingdom of Bhutan for at least 10 years, he may receive a Bhutanese Nationality Certificate. Once the certificate is received, such a person has to take the oath of loyalty according to rules laid down by the Government and from that day onwards, his name will be enroled as a Bhutanese National.

In 1977 the National Assembly at its 8th Session amended these conditions as follows:

1. In the case of government servants an applicant should have completed 15 years of service without any adverse record.

2. In the case of those not employed in the Royal Government, an applicant should have resided in Bhutan for a minimum period of 20 years.

3. In addition, an applicant should have some knowledge of the Bhutanese language both spoken and written and the history.

The 1977 Citizenship Act also stipulated that all those granted citizenship were to pledge an oath of allegiance to His Majesty the King of Bhutan, swear to observe all the

customs and traditions of the people of Bhutan and not to commit any act against the *Tsa-wa-sum* (the country, the people and the King).

A further amendment, in 1985, confirmed what has become the fundamental basis for citizenship: residence in Bhutan since before 31 December 1958. As such, census authorities have adopted 1958 as the cut-off year for determining citizenship. During the debate on the issue in the National Assembly, members from southern Bhutan sought to have the cut-off date for eligibility brought forward to 1977, without success.

The 1985 Citizenship Act reaffirmed the provisions of the 1958 and 1977 legislation, except that for those born in Bhutan after 1958 who had only one parent who was a recognized Bhutanese national, citizenship is not automatic but must be applied for, and is subject to specified conditions, including fluency in speaking, reading and writing *Dzongkha* and 15 or 20 years' residence.

Since 1986 the government has also been conducting a program of seeking to identify people without valid work permits. During 1988 several thousand non-nationals were reportedly ordered to leave the country as landless or unemployed illegal immigrants or for overstaying initial permits, as part of a longer term policy to limit the role of the non-national wage labour force. Initially, this policy was to have been implemented in stages over a period of 10 to 15 years. But, in the context of unrest in several areas across Bhutan's border with India (notably related to the activities of the Gorkha National Liberation Front in West Bengal and the United Liberation Front in Assam), it was apparently implemented more vigorously.

Amnesty International was informed by the government that the purpose of the census currently underway is to identify Bhutanese nationals in southern Bhutan. A committee of 12 persons, including three village elders, assesses proof of citizenship, categorizing people as follows:

- F1 Genuine Bhutanese citizens
- F2 Returned migrants (people who had left Bhutan and then returned)
 - F3 "Drop-out" cases - i.e. people who were not around at the time of the census¹
 - F4 A non-national woman married to a Bhutanese man
 - F5 A non-national man married to a Bhutanese woman
 - F6 Adoption cases (children who have been legally adopted)
 - F7 Non-nationals, i.e. migrants and illegal settlers

¹Amnesty International understands that this category is being phased out as the census operation is drawing to conclusion, and that the people concerned have been allocated to other categories.

According to the Minister of Home Affairs, people in categories F4 and F5 are eligible for acquisition of full residency in Bhutan, if their marriage took place before 1985. He also informed the Amnesty International delegation that the government is in the process of phasing out its current citizenship cards and introducing two new cards: a Multipurpose Citizenship Identity Card and a Special Resident Card.

The Amnesty International delegation concluded that the current situation in the south of Bhutan had been exacerbated due to the government's failure to specify and make known in advance what would happen to people in southern Bhutan once they had been categorized under F7, i.e. had been declared non-nationals. From late 1990, many of these people, some of whom were born in Bhutan and had been resident there throughout their life, were apparently forced to leave the country.

In mid-March 1992, it was reported that local officials in Chirang district were ordering all people who had signed statements saying they would leave the country to do so. Dozens of heads of families, among them men aged 70 and older, who had been arrested by the security forces between October and December 1991, have testified that they were forced to write and/or sign statements affirming their voluntary application to leave Bhutan with their families, and that they had unsuccessfully tried to appeal to the authorities about this.

Thousands of Nepali-speaking southern Bhutanese continued to leave Bhutan throughout 1992, although from October 1992 onwards, there was a decline in the number of people leaving. The government maintained that these people left Bhutan voluntarily, but non-governmental agencies present in the refugee camps in Nepal have continuously contended that people were put under pressure to leave.

2.2. Government measures to promote a national cultural identity

Along with regularizing citizenship, the government has tried to encourage the integration of Nepali-speaking Bhutanese into the mainstream of national life through various other measures. It announced, for instance, financial incentives for inter-ethnic marriages and offered land to Nepali-speaking Bhutanese prepared to settle in parts of Bhutan other than the south. In April 1989 the National Assembly determined that the cultural traditions characteristic of the northern Bhutanese, *driglam namzha*, should be further emphasised. Among the measures imposed was the wearing of Bhutanese national dress (*gho* for men and *kira* for women) during official public activities, such as visits to local administrative offices, monasteries, government offices and schools. The policy on *driglam namzha* also stipulates how people should conduct themselves at different types of occasions (ceremonial, official, informal, how to send and receive gifts, how to speak to superiors, how to serve and eat food and refreshments during public occasions, how to greet, etc.) Failure to observe the policy was punishable by one week imprisonment or a fine. In the September 1991

publication of the Department of Information, the following explanation is given for the introduction of the policy:

"The Royal Government's policy on the national dress and language and *driglam namzha* is being implemented solely to enhance and strengthen the process of national integration. Contrary to the malicious allegations of the anti-nationals, the policy is not a move to discriminate against the people of southern Bhutan, but is aimed at bringing all sections of the Bhutanese people into the national mainstream in order to promote and realize the concept of one people and one nation. The objective of promoting national integration is to ensure that the Bhutanese people, regardless of race or religion, are all united through a fraternal feeling of national pride generated by an awareness of their distinctive identity as citizens of Bhutan."

It was the introduction of the dress code in particular which was perceived by Nepali-speaking Bhutanese as an attack on their cultural identity. Several officials admitted during meetings with the Amnesty International delegation that the government's policy of fining persons not wearing the traditional dress was initially overzealously applied.

During an interview with an Indian journalist shortly after the demonstrations by Nepali-speaking southern Bhutanese against these measures, King Jigme Singye Wangchuck reportedly stated:

"For many years we have tried to bring the Southern Bhutanese into the mainstream - economically, socially, culturally, politically, because Bhutan is too small a country to be divided. The one nation and one people concept is essential for the survival of Bhutan. But, I am sorry to say that some of the things we did to implement this have been unfortunate. We meant well, but these did not have a very good impact."

(Antara Dev Sen, "Conversation: The people will decide", Sunday, Vol 17, no. 42, 28 October 1990, pp. 27-28.)

Following the September 1990 demonstrations, a so-called No Objection Certificate (NOC) which is normally required for access to schools, higher education and civil service jobs was being denied to Nepali-speaking southern Bhutanese suspected of having attended the demonstrations or having links with the BPP (Bhutan People's Party). The Home Minister explained to the Amnesty International delegation that the requirement of the NOC for children's admission to schools was brought in during 1991 because so many schools in the south had been closed and it was necessary to be more selective. The government announced in February 1992 that the need for NOCs for admission to schools, which had been among the subjects of discussions between the Amnesty International delegation and government officials, would be discontinued.

3. NON-VIOLENT AND VIOLENT OPPOSITION

Two southern Bhutanese members of the Royal Advisory Council wrote to the King in April 1988 to convey their concerns about the methods used during the census operations. One of them, Tek Nath Rizal, was expelled from the Royal Advisory Council on grounds of spreading false allegations and inciting southern Bhutanese against the government. He subsequently left Bhutan for Nepal, where he continued to campaign against the government's policies. He was involved in the setting up of the People's Forum for Human Rights and the distribution of several leaflets and booklets, including *Bhutan: We Want Justice*. Between October and December 1989, a total of 45 people were arrested for their involvement in the writing of "seditious pamphlets", among them Tek Nath Rizal who along with Jogen Gazmere and Sushil Pokhrel was arrested in Nepal on 15 November 1989 and handed over to the Bhutanese authorities the next day.

The Deputy Home Minister was reported in the 25 November 1989 issue of Bhutan's weekly newspaper, *Kuensel*, to have told the National Assembly that several anti-national and seditious letters and booklets had been distributed to government officers and to the public; he was quoted as follows:

"As the National Assembly Members are aware, any such anti-national activities are against our fundamental principles of Tsa-wa-sum and constitute an act of treason. Therefore, anyone convicted of such activities shall be punishable under Chapter 17, Tsa-1 (2) of the Thrimshung [Law of the Land]. Though every effort is being made to trace the culprits responsible for such publications, it is not easy to stop these miscreants since the seditious letters and booklets were posted from outside Bhutan."

Apart from six prisoners considered by the government to be the ringleaders of the opposition campaign in the south, all others arrested on suspicion of involvement with the publication of literature concerning the situation in southern Bhutan were granted amnesty on 19 January 1990. Tek Nath Rizal, Jogen Gazmere and Sushil Pokhrel - arrested in Nepal - and Ratan Gazmere, Biswanath Chhetri and Bakti Prasad Sharma were all six adopted by Amnesty International as prisoners of conscience. The government maintained that they had committed treason by writing, publishing and distributing literature critical of the government's policy of cultural integration. In addition, they were accused of "inciting the people against the government through a misinformation campaign, extorting money for guerilla training in neighbouring areas and to purchase arms for terrorist activities, and trying to damage relations with ... India by spreading false propaganda." (From a 4 June 1990 letter from the Foreign Secretary to Amnesty International).

Amnesty International investigated all the information provided by the government and concluded that the individual violent crimes for which these six prisoners were held responsible were all committed in April - June 1990, six or more months after they were

detained. It also examined the booklet *Bhutan: We Want Justice* and concluded that it did not contain threats of armed uprising against the state or the advocacy of violence. Amnesty International therefore continued to consider these six people as prisoners of conscience and urged that they be immediately and unconditionally released.² Amnesty International was further concerned about their continuing incommunicado detention without charge or trial and the authorities' refusal at the time to disclose the precise place where they were being detained.

Unrest at government policies regarding national integration and the application of the Citizenship Act became widespread in southern Bhutan from early 1990 onwards. It culminated in a series of demonstrations throughout southern Bhutan in September 1990. Some of the demonstrators are said to have resorted to burning of *ghos* and vandalising public property, including census and immigration records. During their visit to Samchi district, the Amnesty International delegates investigated earlier reports that up to 300 people had been shot dead during the demonstrations in Samchi town on 19 September 1990. It found no evidence to support these reports. According to its investigations, one of the estimated 4,000 demonstrators in Samchi was killed by a bullet which allegedly ricocheted off an excavator which had been placed on Chamurchi bridge by the police in order to prevent the demonstrators from heading towards the local administrative building. The bullet was one of seven fired by a police officer who had been injured by an explosive device thrown from the crowd.

The first allegations of violent activities by government opponents, whom the government termed *ngolops* or "anti-nationals" had been reported in February 1990. These were said to consist mainly of extortion and the stripping of people wearing *gho*. From mid-1990 onwards, however, the "anti-nationals" - said by the government to include members of the Bhutan People's Party - were alleged to have stepped up their violent activities to include more serious crimes such as the murder and kidnapping of civilians.

According to the BPP manifesto of June 1990, the aims of the organization are:

- " - to evolve the parliamentary system of government where all Bhutanese irrespective of religious, linguistic, ethnic, and regional, diversities may attain communal harmony, economic, social and political justice;
- to stop violations of human rights ..., preserve unity in diversity and safeguard liberty, fraternity and sovereignty of the nation;

² Five of the prisoners of conscience were released in late 1991 - early 1992. To date, Tek Nath Rizal continues to be detained without charge or trial. (See page 9)

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- to amend the constitution ensuring the universal adult franchise, fundamental rights and duties of the citizens, including freedom of conscience and cultural pursuits;
 - to establish an independent judiciary and an independent election commission, and to amend the citizenship act with a view to making it uniform to the internationally accepted norms."

In some cases attacks were directed towards census officers and other government officials. For example, on 2 June 1990, the severed heads of Kailash Dahal, an ex-government official from Ghumauney, Samchi district, and Balaram Giri, a census committee member from the same locality, were found in a bag left along the road at Gomtu. Two letters in English and Nepali were found in the bag reportedly signed by a group calling itself the People's United Liberation Front and warning that anybody supporting the government would meet the same fate.

Articles in Kuensel continued to report similar abuses being committed against civilians in the south, allegedly by opposition groups, throughout 1991 and 1992. For instance, on 26 October 1991, Kuensel reported an attack on a census committee member who was critically wounded in Bomjung Dangra on 18 October 1991 and the beheading of a village official from Rangaytung village, Balujhora in Phuntsholing on 22 October. In this case a warning note, written in Nepali, attached to the latter's severed head, threatened that all government supporters would receive such treatment. In other instances, however, what seemed ordinary criminal acts were reported as being the responsibility of "anti-nationals" despite the apparent lack of evidence to confirm that political opponents of the government, rather than common criminals, were responsible.

In addition to the arbitrary and deliberate killing of civilians, attacks on public facilities in southern Bhutan including schools, hospitals, post offices, police outposts and bridges were increasingly reported following the demonstrations of September 1990. Such attacks were similarly attributed to "anti-nationals" whom the government accused of attempting to incapacitate public services in the south. Kuensel also published reports of "anti-nationals" raiding villages and looting people's homes for valuables and money. In addition, police patrols and security forces were alleged to have been attacked and official vehicles hijacked. Such incidents are said to have resulted in frequent clashes between "anti-nationals" and the security forces.

An article in Kuensel of 3 November 1990 described several attacks allegedly made by "anti-nationals" as follows:

"On October 27 . . . the Powgang Primary School and the Nimtala dispensary in Dagapela were bombed and burned down. The office of the Dorona mandal (village headman) was bombed, and an attempt also made to burn down the Basic Health Unit in Goshi.

The Namchela Primary School was raided . . . and the World Food Program rations for students, a photocopy machine and all the stationery were stolen and the cupboards and furniture smashed. . . In Samchi, the militants set fire to the Gathia bridge, and three houses near the bridge were burned down."

"Anti-nationals" are also said to have been responsible for harassing teachers and students. In one incident at a school they were alleged to have forcibly entered the girls' dormitories, stripped the students and teachers and forced them to march in anti-government processions. Such activities are cited by the government as the reason why most of the schools in the south were closed.

According to reports following the demonstrations and other public disturbances of September 1990, the majority of schools in southern Bhutan were closed by the authorities and turned into army barracks; health services in government hospitals were reportedly severely restricted. Amnesty International also received allegations that medical assistance was denied to civilians in need of treatment. Government response has been that schools and health centres in the south were closed as a result of destruction or due to intimidation of teachers, students and medical staff by the opposition groups, and that where it was available, treatment was not denied to anybody.

During its visit to Bhutan, Amnesty International was told of criminal activities apparently carried out by "anti-nationals" similar to those published in Kuensel. Amnesty International interviewed victims and relatives of victims who reported incidents of kidnapping, beheading, extortion, torture and other abuses by opposition groups which had occurred in the south mainly during 1990. Villagers recounted how they had been coerced into giving donations to the BPP and that they were forced to sell their crops of ginger, cardamom and oranges in order to raise money for this purpose. Villagers also described how they were threatened with kidnapping, assault or murder if they refused to comply with such demands, and that in some cases such threats had been carried out. During the visit to Bhutan, the Amnesty International delegation was provided by the government with lists of 39 people allegedly killed, 75 kidnapped, 10 raped, and accounts of incidents such as robbery, arson and sabotage, allegedly carried out by members of opposition groups in the south. An article in Kuensel on 7 March 1992 quoted the Home Minister as saying that current figures for murder and kidnapping by "anti-nationals" stood at 39 and 180 respectively. Amnesty International is not in a position to confirm this information.

Amnesty International appreciates the difficulties faced by the Bhutanese authorities in seeking to maintain law and order in southern Bhutan and recognizes the government's responsibility to bring those involved in criminal activity to justice. However, while attacks on civilians in southern Bhutan are consistently attributed to "anti-nationals", it is not always clear that evidence exists to indicate the political motivation behind the acts. Amnesty

International condemns as a matter of principle the torture or execution of prisoners by anyone, including opposition groups.

4. ARRESTS OF PRISONERS OF CONSCIENCE

Amnesty International appealed to the Government of Bhutan for the unconditional release of the six people whom it considered to be prisoners of conscience: Ratan Gazmere, Jogen Gazmere, Tek Nath Rizal, Sushil Pokhrel, Biswanath Chhetri and Bakti Prasad Sharma (see above).

Five of them have now been released: Ratan Gazmere, Bakti Prasad Sharma and Biswanath Chhetri on 17 December 1991 and Jogen Gazmere and Sushil Pokhrel on 4 February 1992.

After more than three years, Tek Nath Rizal remains in detention without charge or trial and with no access to legal counsel. In July 1992 the wife of Tek Nath Rizal, who is currently living in Nepal, was for the first time given permission to visit her husband in detention in Thimphu. Until then, he had not had any access to his family despite repeated assurances from the government that this would be granted. Amnesty International is continuing to call for his unconditional release.

5. ARBITRARY ARREST AND DETENTION WITHOUT CHARGE OR TRIAL OF POLITICAL PRISONERS

According to information received during the 1991 interviews conducted by Amnesty International with refugees in eastern Nepal, raids on the homes of Nepali-speaking southern Bhutanese by groups of Royal Bhutanese Army personnel, and arrests of the occupants, became commonplace after the September 1990 demonstrations. Families were questioned as to whether they had attended the September 1990 demonstrations, and whether they were members or supporters of the Bhutan People's Party or had made donations to it. The majority of those interviewed by Amnesty International said that on arrest their hands had been tied behind their backs and they had been beaten with canes, sticks or rifle butts. Those detained were taken to the district jail or local school (often serving as temporary army barracks) and kept for periods ranging from one week to 12 months without charge or trial. Some refugees claimed to have been repeatedly arrested. Large numbers of prisoners were reportedly kept in small, badly ventilated rooms, often on the bare floor without bedding. Some former prisoners reported having been confined up to 24 hours in a toilet or in small dark storerooms for up to three days. Under questioning, prisoners had allegedly been beaten by police or army personnel using canes, batons, sticks, chains or rifle butts. They claimed that on release they received verbal threats not to involve themselves with the BPP in any way and that if they did not cooperate with the security forces they would be arrested and imprisoned for life.

The following account is typical of those provided by ex-prisoners to Amnesty International. It concerns a 44-year-old father of seven children who had been arrested on suspicion of participating in the September 1990 demonstrations and attacking the sub-divisional office at Gaylegphug:

"On 29 September 1991 a group of 20 army personnel with SLR [selfloading rifles]³ rifles and walkie talkies came to my house at 1am. They tied my hands behind my back and told me to open my box and cupboards. They took 26,550 rupees and two tholas (22 grams) of silver, five and a half tholas (50 grams) of gold. They took me to the National Institute for Health building in Gaylegphug which had been converted in a jail. I was stripped naked and beaten with canes, wooden batons and rifle butts for one hour by eleven people who took turns. Afterwards I was handcuffed and kept for five days in isolation. Then they called me for questioning. Four soldiers beat me while two army officers questioned me. I fainted and they poured water on my face to make me come round. I was questioned about whether I had supported the movement and when I denied it they beat me again. I admitted that I had been at the 23 September demonstration and that I had seen others break into the sub-divisional office in Gaylegphug. I denied involvement in the break-in and was beaten for it. I continued to be beaten every day, usually with a cane or rifle butts. The soldiers refused to give me water and verbally abused me. I was given a small amount of food - rice and vegetables - three times a day. I was kept in a room with 10 other people. It was very hot and stuffy because the windows were kept closed. I was called for questioning on two occasions and asked the same questions each time. I admitted to belonging to the movement. Nine other men were arrested from my village, and some were questioned about whether they had taken part in the demonstration and some whether they had vandalised the school. I was released on 18 October 1991. I was told I was free to stay or leave Bhutan, but that if I stayed, the government would not provide me with education for my children, medical assistance or other facilities. I stayed at home for 10 days to recover and then left Bhutan on 29 October."

The total number of people arrested since early 1990 for suspected involvement in opposition activities runs into thousands. Many prisoners have not been brought to trial but have been released in amnesties periodically granted by the King. In early 1990, 39 out of 42 people reportedly arrested between October and December 1989 were released under an amnesty. Further amnesties were granted in September 1990 to several hundred prisoners (exact number not known); in March 1991 to 177 prisoners, in August 1991 to 727

³The government contends that the presence of this kind of detail in the refugees' statements indicates some tutoring. Whereas Amnesty International does not exclude the possibility of a certain level of tutoring on specific points, it believes all the testimonies quoted in this document to be reliable.

prisoners, in October 1991 to 74 prisoners; in December 1991 to 153 prisoners; in February 1992 to 313 prisoners and in March 1992 to 172. Many ex-prisoners among the refugees in Nepal say they were released only on condition that they agreed to leave Bhutan.

Amnesty International has to date asked the government to clarify the legal status of more than 700 people reported to have been detained. The government has responded and supplied information about the reasons for continued detention in approximately 150 cases. Local police officials in the south are apparently investigating the remaining cases and Amnesty International has been assured that it will be informed of the outcome of their investigations. As of August 1992, the number of political prisoners in detention was estimated to be between 200 and 300, 134 of whom were known by Amnesty International to have been held without any charges having been brought against them since before January 1991. In early October 1992, the government informed Amnesty International that following the amnesty granted to 45 prisoners on 11 September 1992, the total number of political prisoners had gone down to 182.

Since late 1989, Amnesty International has repeatedly raised reports of arbitrary arrest and detention without charge or trial with the Bhutan Government. It has welcomed the granting of amnesty to groups of political prisoners. Amnesty International also has repeatedly urged the government to ensure that all prisoners are given immediate and regular access to their relatives.

Most people arrested in the south are initially held at local places of detention, where their relatives are allowed to visit them. When questioned by the Amnesty International delegation, officials in Samchi district denied that political prisoners were held at local places of detention. The delegates were repeatedly told during their visit to the district that all political prisoners were either released after interrogation or, if there was evidence against them, sent to Thimphu. This conflicted however with testimony from several people interviewed in Nepal. Through an interview with a prisoner on the last day of the Amnesty International visit to Bhutan, it transpired that more than 80 political prisoners had been held for extended periods at Samchi Jail up until 28 December 1991 when they were transferred to Thimphu. This was shortly after Amnesty International was given permission to visit Samchi district. The government maintains that officials in Samchi did not want Amnesty International to visit places of detention because of their poor conditions but that the official position was that the organization should have been granted "full access". In a letter to the King after the visit, Amnesty International expressed its regret that its delegation had not been permitted to visit places of detention in Samchi district or elsewhere in the country.

It has been a confirmed practice that once prisoners have been transferred to prisons in the north of the country, their relatives are no longer permitted visits and in many cases even fail to establish where the prisoner is held. The five prisoners of conscience released in

late 1991 and early 1992, for instance, never had access to their relatives despite assurances provided to Amnesty International by several government authorities. In addition, despite repeated requests, the authorities consistently refused to inform Amnesty International of the precise place of detention of these prisoners of conscience. Recently, Amnesty International has received information that some prisoners have been granted access to their relatives.

6. UNFAIR TRIALS

On 18 May 1992, 41 people arrested on suspicion of involvement in "anti-national" activities who were brought before the High Court in Thimphu and charged with treason, an offence which carries a mandatory death sentence. These were the first reports of Nepali-speaking southern Bhutanese being brought to trial in connection with opposition to the government policy of national cultural integration and the application of the 1985 Citizenship Act. In early June 1992, Amnesty International requested permission from the government to send an observer to the trials. On 8 June 1992, the government informed Amnesty International that "it would not be acceptable to our officials and people to have a person from outside the country to observe these trials". In a meeting with Amnesty International representatives at the end of July 1992 which took place in Geneva, Switzerland, the Minister of Foreign Affairs suggested that a representative from one of the international agencies with presence in Bhutan could observe the trials on behalf of Amnesty International. This option, however, would contravene Amnesty International's own working rules, and so could not be considered.

In its letter of 8 June 1992, the Minister of Foreign Affairs outlined the procedures that are being followed during the trials and stressed that the hearings are open to the public "although normally we do not permit spectators in criminal trials". Amnesty International was given a list of the 41 accused, four of whom are apparently being tried *in absentia*. According to the Foreign Minister, trials of people charged under the law of treason take place before a full bench of the High Court (eight judges, including the Chief Justice, three of whom are southern Bhutanese). In the first hearing, the accused are informed of the charges against them in a language "which the accused can clearly understand". The accused are then invited to make an uninterrupted statement in response and to submit a written statement to the court. The latter apparently may be written by the accused personally or a clerk of the High Court. In the second stage of the trial, the evidence is presented and witnesses can be called by both the prosecution and the accused. Both sides have the right to cross-examine witnesses. For this purpose, the accused can call upon the assistance of a *jabmi* (a person conversant with the law). In the third and final stage, both parties make final submissions to the courts, after which the preliminary findings of the court are read out and both parties have a last opportunity to put forward points which the court has not taken into account. The judgement is normally announced "within a short period of time". The accused can appeal to the King, who effectively constitutes the highest Court of Appeal.

Amnesty International had repeatedly urged the government to ensure that all political prisoners are either promptly charged and brought to trial for the specific criminal offences they are alleged to have committed or else released. The organization expressed concern that all 41 accused were being charged for "committing various offences under the Law of Treason". Apart from its concern about the mandatory death sentence, it also expressed concern about the broad definition of treason in the Law of Treason. Indeed, the law did not make any distinction between those offences against the *Tsa-wa-sum* (king, country and people) which involve violence and those which do not. During meetings with several officials in January 1992, Amnesty International had been informed that this particular aspect would be one of the main points of a review of the Law of Treason by the High Court which had been initiated. During the recent session of the National Assembly, a National Security Act was introduced which was due to replace the Law of Treason. The new Act specifies 14 crimes punishable by prison sentences between two years and life. Although the death penalty is no longer provided for as a mandatory punishment, it can still be imposed for those found guilty of treason and aiding and abetting "the enemy in order to deliberately and voluntarily betray the *Tsa-wa-sum*, and harm the national interest".⁴ (For more information, see Chapter 9)

In late November - early December 1992, the High Court announced the sentences imposed on 37 of the 41 people tried. Whereas they had been tried under the Law of Treason, their sentences were imposed according to the provisions of the new National Security Act, 1992. D K Rai, the first accused, was found guilty of murder and treason and was sentenced to life imprisonment. Thirty one others were found guilty of treason and were sentenced to prison terms ranging from nine months to ten years and one month. Five people were acquitted due to lack of evidence. The judgement on the four people who were tried in absentia remains to be announced.

The government also informed Amnesty International that another group of people will be tried soon.

7. ILL-TREATMENT AND TORTURE, INCLUDING RAPE

The testimonies obtained from refugees in Nepal include accounts of various forms of ill-treatment, degrading punishment and, in some cases, torture at the hands of the security forces. Beatings with canes, sticks, batons, chains, leather belts and rifle butts, on the back, head, arms and feet of detainees, were reportedly carried out. One woman said she saw her husband tied to a post outside in the jail compound and left overnight. Several people

⁴The last death sentences recorded by Amnesty International were imposed in 1974 on six people who were among 52 Tibetans and Bhutanese tried on charges of having plotted to assassinate the King. The King subsequently commuted the six death sentences.

described being "kicked around like a football" and being made to "fight each other like animals", apparently for the entertainment of army officers; these practices reportedly resulted in injuries to the prisoners' heads and shoulders. Prisoners reportedly had their hands bound and were denied food and water, particularly during the initial stages of their detention. Some people recounted how on requesting water they were told to drink their own urine. On some occasions food which was inedible, such as rice which had been contaminated with glass or sand, was reportedly given to prisoners.

Methods of torture reported include suspending a prisoner upside down; beating prisoners on the sides and soles of the feet and on the achilles tendon; and inserting a cane in the anus. The following extract from an interview with a 61-year-old farmer from Daipham illustrates the kinds of ill-treatment and degrading punishment that some prisoners allegedly received:

"At 3.30pm on 25 March 1991, I returned home from the market to find six policemen had arrived, armed with LMGs and 303s. They informed me that the chief of police in Daipham had called me. I was told to get into their vehicle and they took me to Daipham sub-divisional police station. The Officer-in-Charge (OIC), accused me of taking part in the demonstration in September 1990. I told him that I was not involved, but that my son and daughter had gone. The OIC called us all *ngolops* and that we should be locked up. I was put into a cell and was not given any food that night or for the next three days. I was allowed to go to the latrine, and could drink water from there. On the fourth day I was taken to the next room, where the OIC and two policemen were. They told me to bend down on fingers and toes and stay in that position. When I toppled over, they beat me with canes. Each time I was told to come back to the original position. One policeman used his boots to kick me when I toppled over. They taunted me, saying: you can't even perform this exercise, yet you participated in the demonstration? I was subjected to this treatment for one and a half hours. For the next three days I was not interrogated. On the fourth day I was questioned again by the OIC and four policemen, who beat me continuously. They told me to tell the truth about whether I really went to the demonstration or not and how much money I donated to the BPP. When I denied both allegations, they hung me upside down from the window bars (with my feet hooked through the bars). My legs were tied. I was kept like this for half an hour. I was kicked in the middle of my back. After this I was bleeding from the nose and mouth. Then I was untied, put on the ground and made to sit cross-legged with hands and feet tied together. Then they started kicking me around, like a human football. One kick hit me about three feet away and so on. My body went into convulsions. The OIC said I must be having an epileptic fit and should be thrown out. Fellow prisoners threw water on me to revive me. I was left for three days. All my food was brought once a day by my family and left outside the compound. A policeman would collect it and give it to me. On the ninth day of my imprisonment, at 10.30am another officer said something to

me in Dzongkha, which a fellow prisoner translated as "the old people are likely to be released this evening". So all day I waited to be released. At 6pm the Lt. Colonel came back. My fellow prisoners were taken one by one (there were 14 in the cell) to make a statement. When they returned to the cell they took their belongings and left. My turn came. The OIC and four police officers were in the room. The OIC pointed a huge cane at my chest and told me to stand properly, to tell the truth. He said that they had a pit ready to bury me in. I made the same statement that I had given earlier. They asked if my statement was true or not, and if I would go to the demonstration again. I said no. Then the another officer said I could go home but if I crossed into India, I would be killed. I asked the police if I could take my belongings and 320 rupees the police had kept. They said I should come to get them later. I was forcibly thrown out, not allowed to stay and wait for friends. I returned home, 5 kms from the police station to my house. Since I had been beaten on the head with a stick during interrogation, I needed medical treatment, but all medical centres were closed, so I had to go to hospital in Udalguri, Assam, two days later. I was in hospital for two days and when I returned home I heard that the police had come to look for me. I left Bhutan immediately, the same night, with my family.

Amnesty International is also concerned that since military operations in southern Bhutan began, from September 1990 onwards, there have been numerous allegations of rape of women by Royal Bhutanese Army personnel. Many of the women from southern Bhutan interviewed by Amnesty International representatives at the Maidhar and Timai camps during November 1991 reported that either they or their daughters had been victims of rape by soldiers. Some women were said to have died as a result of rape.

Amnesty International considers rape by the security forces to be a form of torture, and one which is particularly oppressive as many women are too afraid and ashamed to speak out about their experience and believe it futile to pursue rape complaints against the police or military, since the authorities who condone such abuses are unlikely to take energetic action to punish the perpetrators.

A 23-year-old woman from Phipsoo, Sarbhang district, gave the following account of her and her husband's arrest and treatment in detention at an army camp in Sarbhang in November 1990:

"My husband and I had heard that the army were coming to confiscate our goods so we both went to take our valuables to my parents' house. On the way back we were arrested on the banks of the Thulopinkhwa River, by about 10 army personnel. The soldiers started beating us, asking us if we had gone to see the party people and where the leaders were. They asked us about the campsites of the party people. We said we didn't know. The soldiers tied our hands behind our backs and dragged us along. We were beaten all the time. We were taken to Sarbhang, about 30 km away, and

kept in the school which had been turned into an army barracks, for about a month. I was locked inside a room, and my husband was tied to a pillar in the compound. I could see him through the window. He was beaten until he vomited blood. He was also made to sit on the ground and was kicked. He was refused food for one week. Every night two or three soldiers came and raped me. This happened every night for a whole month. I was given some food every night at about midnight. If I asked for water, I was beaten with chains that the soldiers used to tie on their guns. I saw the men being made to fight each other like bulls. The old people and children were made to clean the compound and latrines. When I was released, I was threatened with re-arrest if I helped the party. My husband is still detained in Sarbhang jail. On release I went home where I stayed for one month until I realised I was pregnant. I was so ashamed that I couldn't face the other villagers so I left Bhutan in early January 1991. I left my children with my mother-in-law in Bhutan. I went into the jungle hoping I would die there. Then I went to Kachugaon, Kokraghar, Assam where I stayed with some relatives. My sister and a male relative came to Kachugaon by chance and I bumped into them there. They paid for me to come to Maidhar. As a result of the rape, I had twins, one of which died and one survived. I do not know if I will see my husband again."

The following account is by a 22-year-old woman from Singi, Sarbhang district, allegedly raped in army custody in late 1990 - early 1991:

"At about 2pm, about seven or eight soldiers came to our house. My mother and brother were at home with me. They arrested me and my brother, and tied our hands behind our backs. They took us to Thoemba school which had been turned into an army barracks. An army contingent of 200 to 300 soldiers had come to the village and arrested two or three people from each house. About 200 people were arrested that day. We were all herded together outside in the school compound, and made to sit with hands tied behind backs and heads down. Army personnel then selected eight young women including me and dragged us inside. Those who resisted were kicked and when some of the women fell down, the soldiers hit them with their rifle butts. I was dragged into a room, my hands still tied behind my back; there were five army personnel inside. They didn't ask me any questions. I was slapped, forced onto the floor and raped by the five soldiers. Afterwards I was brought back to the compound where they kept me for two hours. At about 8pm they untied my hands and I was released. I was told to leave the country and that if I stayed in Bhutan I would be killed. Both my brother and I were released. One week later, we left Bhutan with other households from our village and came to Nepal."

8. DEATHS IN CUSTODY AND INADEQUATE PRISON CONDITIONS

Amnesty International has received information about several prisoners who are reported to have died in detention during 1991, as a result of ill-treatment or torture or due to receiving either inadequate medical treatment or no treatment at all for illnesses contracted during imprisonment.

From interviews with ex-prisoners, Amnesty International was informed that more than 300 detainees were held in a detention camp at Chemgang, above Simthoka Dzong, near Thimphu at the time of its visit. All of them were allegedly continuously kept, for 24 hours a day, in shackles. Several detainees are reported to have died while held in harsh conditions in this camp which is situated at a high altitude. One ex-prisoner who is currently seeking refuge outside the country has alleged that five people died due to lack of medical assistance in the period between August 1991 and March 1992. They apparently suffered from illnesses such as malaria, dysentery and diarrhoea. He also reported that prisoners were forced to do hard labour, even those who were ill, and that the guards resorted to routine beatings.

One of the people who reportedly died at Chemgang as a result of torture or ill-treatment was Punya Prasad Dhakal, a 28-year-old assistant teacher from Suntalay village, Dagapela, Dagana district. He was arrested in early 1991 at Kalikhola, Sarbhang district, from where he was reportedly briefly taken back to Goshi Junior High School, which had been converted into a detention camp. He was subsequently transferred to Damphu Junior High School which had also been turned into a detention camp. According to the testimony of an ex-prisoner, P P Dhakal was tortured during his detention there and died of his injuries approximately one week after he had been transferred to Chemgang. The government has confirmed that P P Dhakal died at Chemgang on 26 July 1991 but says the cause of his death was acute myocardial infarction, that is heart failure. To Amnesty International's knowledge, his relatives have not officially been informed of his death nor has his body been returned to them.

Amnesty International has no detailed information about conditions in other places of detention, except for Wangdi Phodrang prison, where the six prisoners of conscience had been held from early 1990 till five of them were released in late 1991 and early 1992.

The use of shackles has been routine in Bhutan⁵. At Wangdi Phodrang prison, Ratan Gazmere, Jogen Gazmere, Biswanath Chhetri, Bakti Prasad Sharma, Sushil Pokhrel and Deo Datta Sharma were apparently kept handcuffed and shackled for three months, while

⁵ Shackles are apparently also routinely used on ordinary criminal prisoners in Bhutan.

Tek Nath Rizal was reportedly held in shackles for 20 months. Prisoners' handcuffs are said to have been removed only for a brief period each day to allow them to wash.

Concerns that prisoners are not always treated in accordance with international standards is heightened by the Bhutanese Government's consistent refusal to reveal the places of detention where prisoners are held and to grant them regular access to their relatives.

In June 1992, Amnesty International appealed to the government for information about H P Sapkota, who was reportedly arrested in Assam and handed over to the Bhutan police in September 1990. He was reportedly held at Thimphu Central Jail, from where one report claimed he had been moved to a detention place at Gasa. His relatives were never allowed to visit him or to correspond with him. In the beginning of January 1992 he was seen being taken, shackled and in a weak state, to Thimphu Hospital. Since that time, despite various inquiries, his family have been unable to obtain information about him. Amnesty International feared that he may have died in custody, especially as it had received a statement from a former prisoner who claimed he was told by hospital staff that H P Sapkota had died in the night of 1 January 1992. In late July 1992, the government confirmed that he had died in detention and provided copies of his medical records to Amnesty International. According to these, he had been suffering from stomach and chest pains and fever and had been diagnosed as having hypertension. When finally admitted to Thimphu Hospital on 28 December 1991 he was diagnosed as having typhoid. The medical records given to Amnesty International show no evidence of H B Sapkota having been ill-treated or neglected, although an independent doctor pointed out that inadequate diet or poor prison conditions may have contributed to his ill-health. The doctor also stated that H B Sapkota appeared to have often been given "inappropriate and ineffectual medical care". It is not clear to Amnesty International whether a post-mortem was carried out and, if so, what the outcome of it was.

A government official has confirmed to Amnesty International that the normal procedures for informing the next of kin of a person who has died in custody were not followed in the case of H B Sapkota. He stressed that local officials, with whom responsibility for this task apparently lay, have been reprimanded.

In discussions with Amnesty International, Bhutanese officials recognized that prison conditions in the country are harsh but argued that they should be measured against the general level of poverty and welfare in the country. They also maintained that the use of shackles was necessary as detention facilities are not sufficiently secure to prevent escapes. However, Amnesty International is concerned that the harsh conditions to which prisoners were exposed were by no means simply due to a lack of resources but also appeared to be in some respects the result of deliberate government policy: the denial of access to relatives, the ban on correspondence and the routine use of shackles as a form of punishment, all of which are in contravention of international human rights standards. For instance, Article 33

of the Standard Minimum Rules for the Treatment of Prisoners states that "instruments of restraint, such as handcuffs, chains or irons shall not be used as restraints." The only exceptions to this rule are when instruments of restraint are used as a precaution against escape during transfer, on medical grounds by direction of a medical officer, or to prevent a prisoner from injuring himself or others from damaging property. Even then, Article 34 requires that "such instruments must not be applied for any longer time than is strictly necessary". Amnesty International has repeatedly expressed concern to the government that prison conditions in Bhutan, particularly the routine and punitive use of shackles, may constitute cruel, inhuman and degrading treatment. In mid-1992, it was informed that the government had decided that the use of shackles should be abolished.

9. GOVERNMENT INITIATIVES

In a continuing dialogue before, during and after Amnesty International's visit to Bhutan in January 1992, the government has informed the organization of a number of steps it has taken to remedy certain human rights violations. Some of these steps which required changes in legislation were recently discussed at the 71st session of the National Assembly, which took place between 16 October and 3 November 1992.

The King has granted amnesty to more than 1,500 political prisoners, including five of the six people considered to be prisoners of conscience by Amnesty International.

In mid-1992, Amnesty International also learned that political prisoners held in prisons throughout the country were to be given regular access to their relatives and that their prison conditions had been improved, including by the provision of bedding. Unfortunately, as the relatives of many prisoners, including Tek Nath Rizal, are currently seeking asylum in Nepal, not many prisoners have benefited of the granting of the right to have regular visits from their relatives.

Amnesty International in particular welcomes the government's initiative to abolish the use of shackles. This decision was taken by the cabinet in mid-1992 and is currently being implemented by the High Court which has to amend the Prison Act accordingly. Amnesty International to date has not been able to determine whether local officials have yet received instructions to cease using shackles, nor to obtain independent confirmation of the abolition of shackles in practice.

During talks with officials at the time of the Amnesty International visit, the organization had stressed the need for the government to demonstrate its commitment not to condone any violations of human rights. In January 1992, the King sent a high level team led by the Home Minister to Chirang and Dagana districts of southern Bhutan to investigate allegations of forcible evictions, beatings and rape. In its preliminary report to the government, the team is reported to have included evidence of forcible eviction and one case

of rape in Goseling, Lapsibotey, Chirang district. One local police officer was demoted immediately after the visit. The report was forwarded to the High Court which carried out its own investigation, and ordered the termination from government service of the local judge of Chirang and the demotion of two local administrators. The report of the investigations has to date not been made public; Amnesty International understands it is being translated into English. It is not clear whether any individual member of the security forces was brought to justice for the rape of the woman from Goseling.

At the recent session of the National Assembly, a draft for a National Security Act was introduced. The Act is due to replace the Law of Treason, about which Amnesty International had repeatedly expressed concern (see Chapter 6). The new Act, as it stands to date, does no longer provide for mandatory death sentence for acts of treason. Those found guilty can now be sentenced to imprisonment for life or to death. The Act also defines other specific offences such as undermining the security and sovereignty of Bhutan by creating or attempting to create hatred and disaffection among the people, creating misunderstanding or hostility between the government and the people of Bhutan, promoting or attempting to promote feelings of enmity or hatred between different religious, racial or language groups or castes and communities, possession of a deadly weapon, rioting, etc. According to Kuensel of 7 November 1992, however, the National Assembly members found the penalties provided for certain offences listed in the Act to be "inadequate". The Act was therefore referred to the High Court which was given powers to revise this part of the new legislation, after which the Act must be submitted to the cabinet for final approval.

In late November 1992, the government informed Amnesty International that a preparatory visit of a delegate from the ICRC had taken place and that it had been decided that the first visit to Bhutan by the ICRC would take place in January 1993. The government also specified its intention to extend its full cooperation to the ICRC on a long-term basis and that the international agency would be free to visit Bhutan periodically.

10. SUMMARY OF CONCERNS AND RECOMMENDATIONS

Amnesty International welcomes the measures taken by the government so far to improve the human rights situation, as outlined in Chapter 9, and believes that these initial steps must be reinforced by the institutionalization of further safeguards to ensure that there can be no continuation of human rights violations.

It draws to the government's attention a set of practical and detailed safeguards of universal application which can provide useful guidelines for the shaping of national legislation. These include the United Nations' Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment; the Standards Minimum Rules for the Treatment of Prisoners; the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Amnesty International recommends that these are made available to all law enforcement personnel and are included in regular training programs.

With reference to these covenants and principles, Amnesty International makes the following specific recommendations:

- that **Tek Nath Rizal and all other prisoners of conscience be immediately and unconditionally released;**
- that the government consider adopting measures contained in internationally recognized human rights standards, which refer particularly to prisoners who have been arbitrarily detained;

For example, safeguards contained in the International Covenant on Civil and Political Rights, Article 9 (1), (2) and (3) state:

- "1. Everyone has the right to security and liberty of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.
2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of the charges against him.
3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release."

International law obliges governments to protect all men, women and children from torture and ill-treatment, and requires that allegations of torture be promptly and impartially investigated. Thorough investigation of all allegations and the prosecution of those responsible sends a clear message that human rights violations will not be tolerated, and that those who commit such acts will be held fully accountable.

Amnesty International has elaborated a body of safeguards and remedies against torture which it calls upon all governments to implement. These include many of the recommendations made by the Human Rights Committee in General Comment 7 (16) and others included in the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other international human rights standards.

Amnesty International recommends:

- that torture be officially condemned at the highest levels, including by the government and the heads of the security forces;
- that effective systems would be created whereby members of the security forces will be held accountable for acts of torture, including rape;
- that Bhutan would consider prompt ratification of or accession to the Convention Against Torture as another specific means by which a government may demonstrate its commitment in this regard both nationally and internationally;

Finally, while welcoming the government's decision to allow the ICRC access to the country, Amnesty International recommends:

- that the government allow the ICRC to develop a full program of regular visits to all places of detention, to set up a program of dissemination of information to members of the security forces and provide medical assistance at the earliest opportunity.